

Cover Page for June 2, 2021 Planning Board Meeting

	Material Issued 05/28/2021	Issued on _____
ITEMS		
Cover page with date	✓	
June, 2021 meeting agenda	✓	
May 5, 2021 Minutes for approval	✓	
Public Hearing and Compliance Review for SP-2021-02 Oceanside KOA Staff Report and decision	✓	
Completeness Review for PUD-2021-01 — Jones Marsh Affordable Housing Development Supplemental information and Staff Report	✓	
Sketch Plan Review for SD-2021-03 – Harbor Lights Retirement Community Sketch plan application and staff report	✓	
Signage Draft Order	✓	
Short-term rentals Draft Order	✓	
Solar photovoltaic systems Draft Order	✓	
Accessory dwelling units Draft Order	✓	
Nonconformity Draft Order	✓	
Bonus dwelling units Draft Order	✓	

Meeting Agenda — Bar Harbor Planning Board
Wednesday, June 2, 2021 at 4:00 PM

IMPORTANT NOTICE: THIS MEETING WILL BE HELD REMOTELY

1. As the town and/or the state declaration(s) of emergency due to COVID-19 remain in effect, the meeting will be held remotely via the online video meeting platform Zoom, instead of in person at the Municipal Building.
 2. This meeting will be broadcast live on **Spectrum channel 7 (in Bar Harbor)** and streamed online at https://townhallstreams.com/towns/bar_harbor_me. It will also be archived on the website for later viewing after the meeting.
 3. Members of the public are welcome to take part in the meeting via the Zoom webinar. The webinar can be accessed and joined by going to the website <https://zoom.us> and clicking the "Join a Meeting" button. When prompted, enter the **meeting ID (815 2827 5202)** followed by the **passcode (813968)**. You will be prompted to enter your name and email address. To join by phone, dial **(301) 715-8592** and enter the numbers listed above when prompted. The webinar can also be accessed and joined by clicking on this direct link:
<https://us02web.zoom.us/j/81528275202?pwd=eFFjSTFVMFFnWGx4b1ErQ2RHSVM2QT09>
 4. Following standard Planning Board practice, speakers will be asked to identify themselves at the beginning of their comments and limit themselves to three minutes.
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I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. PUBLIC COMMENT PERIOD

The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda nor a pending application before the board, with a maximum of 3 minutes/person.

V. APPROVAL OF MINUTES

- a. May 5, 2021

VI. REGULAR BUSINESS

a. Public Hearing/Compliance Review for SP-2021-02 Oceanside KOA

Project Location: Tax Map 211, Lot 1 off of the County Road and encompassing 2.63 acres of land, according to town tax records. The subject land is in the Town Hill Residential Corridor, Town Hill Residential and Stream Protection zoning districts.

Owners/Applicants: The owner of the property is Kampgrounds of America, Inc. (550 N. 31st Street, Suite 400, Billings, MT 59101) and the applicant is Bar Harbor Oceanside KOA (136 County Road, Bar Harbor, ME 04609).

Application: The construction of nine worker campsites. This will improve campground operations and worker privacy. Worker sites will be relocated from the existing campground area (Tax Map 211, Lot 3, 104 County Road, in Bar Harbor) to this property.

b. Completeness Review for PUD-2021-01 — Jones Marsh Affordable Housing Development

Project Location: Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records. The subject land is the Town Hill Residential and Town Hill Rural districts.

Applicant/Owner: Island Housing Trust

Application: The applicant proposes to subdivide a 30-acre property into nine lots (eight lots buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

c. Sketch Plan Review for SD-2021-03 – Harbor Lights Retirement Community

Project Location: 18 Hamor Lane (Tax Map 216, Lot 50, encompassing a total of 58.97± acres according to town tax records). The subject land is in the Shoreland Limited Residential, Halls Cove Corridor and Halls Cove Rural zoning districts.

Applicant: Harbor Lights, LLC

Owner: Christopher S. Maller Revocable Trust, Christopher S. Maller trustee

Application: To construct a retirement community, on an 18.7-acre portion (to be located wholly within the Halls Cove Rural zoning district) of the overall parcel, to include physician offices and 50 independent-living dwellings.

VII. OTHER BUSINESS

- a. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to signage
- b. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to short-term rental regulations
- c. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to solar photovoltaic systems
- d. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to accessory dwelling units
- e. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to nonconformity
- f. Update on, and consideration of scheduling public hearing for, proposed LUO amendment relating to bonus dwelling units

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

X. ADJOURNMENT

Minutes
Bar Harbor Planning Board
Wednesday, May 5, 2021 at 4:00 PM

The meeting was held via the Zoom online meeting platform, and was broadcast live on Spectrum channel 7 in Bar Harbor as well as online via Town Hall Streams (at https://townhallstreams.com/towns/bar_harbor_me, where it is also archived).

I. CALL TO ORDER

Chair Tom St. Germain was having technical issues; Vice-chair Joe Cough took over running the meeting and called the meeting to order at 4:06 PM.

Planning Board members present were Chair St. Germain, Vice-chair Cough, Secretary Erica Brooks, Member Basil Eleftheriou Jr., and Member Millard Dority.

Town staff members present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Mike Gurtler and Assistant Planner Steve Fuller.

II. ADOPTION OF THE AGENDA

Vice-chair Cough noted that item VI. b. had been removed from the agenda at the request of the applicant. **Mr. Dority moved to adopt the agenda, with the removal of item VI. b. Mr. Eleftheriou seconded the motion, which then carried 4-0 on a roll-call vote (Chair St. Germain did not vote as he was still having technical issues).**

III. EXCUSED ABSENCES

Vice-chair Cough noted that, as Chair St. Germain had logged in and was attempting to rejoin the meeting, he did not consider that an absence. There was no objection to this approach.

IV. PUBLIC COMMENT PERIOD

Vice-chair Cough opened the public comment period at 4:08 PM. Assistant Planner Fuller explained the procedure for commenting. Seeing no one there expressing an interest to speak, the public comment period was closed at 4:11 PM. Chair St. Germain rejoined the meeting.

V. APPROVAL OF MINUTES

a. April 7, 2021

Mr. Eleftheriou moved to approve the minutes of April 7, 2021. Secretary Brooks seconded the motion, which then carried (4-0), on a roll-call vote. Mr. Dority abstained from voting, as he was not present at the April 7, 2021 meeting.

VI. REGULAR BUSINESS

a. Completeness Review for SP-2021-02 Oceanside KOA

Project Location: Tax Map 211, Lot 1 off of the County Road and encompassing 2.63 acres of land, according to town tax records. The subject land is in the Town Hill Residential Corridor, Town Hill Residential and Stream Protection zoning districts.

Owners/Applicants: The owner of the property is Kampgrounds of America, Inc. (550 N. 31st Street, Suite 400, Billings, MT 59101) and the applicant is Bar Harbor Oceanside KOA (136 County Road, Bar Harbor, ME 04609).

Application: The construction of nine worker campsites. This will improve campground operations and worker privacy. Worker sites will be relocated from the existing campground area (Tax Map 211, Lot 3, 104 County Road, in Bar Harbor) to this property.

Jim Kiser was present on behalf of the applicant and presented the project and a review of the project up until this point. Planning Director Gagnon clarified that the only letter missing was that from the Bar Harbor Public Works Department. Vice-chair Cough asked Planning Director Gagnon to run through the Planning Board process. The board is reviewing the project for completeness, she said, meaning it is not a judgement on the quality of information provided but on the quantity of information provided. Public comment is taken on the completeness at this point, she explained. Once the application has been found complete, she said, the applicant will once again appear before the board, at which point the application will be judged on its merits and a public hearing will be held. Vice-chair Cough thanked Planning Director Gagnon and said it's helpful to understand the process; Planning Director Gagnon agreed.

Vice-chair Cough opened a period for limited public comment at 4:20 PM; seeing no one express an interest to speak, the public comment period was closed at 4:21 PM.

There was a discussion of waivers; Mr. Eleftheriou said "everything looks pretty good." He asked a question about Item No. 5.B and whether staff wanted a copy of the Maine Department of Environmental Permit by Rule submitted with the application. CEO Chamberlain said it wasn't necessary; Mr. Kiser said it is old and good for two years but if the board would like it he could provide it. Mr. Eleftheriou asked about Item 7.1.C on the application checklist. Mr. Kiser said it's not something that is permitted up front, but something that is inspected after changes are done. Planning Director Gagnon asked Mr. Eleftheriou if that would be OK as an exhibit, as Mr. Kiser had addressed it. Mr. Eleftheriou said yes. There was a discussion on nomenclature.

Mr. Eleftheriou moved to grant the waivers requested by the applicant as listed in the checklist and change #9CC from waiver to exhibit; as such waivers will not unduly restrict the review process, as they are inapplicable, unnecessary or inappropriate for a complete review. Mr. Dority seconded the motion which then carried 4-0, on a roll-call vote. Chair St. Germain did not vote.

Mr. Eleftheriou moved to find the application SP-2021-02 Oceanside KOA complete, per the Bar Harbor Land Use Ordinance section 125-66, with the exception of the DHHS well permit and the capacity letter from Public Works, and to schedule a public hearing on June 2, 2021. Mr. Dority then seconded the motion which carried unanimously, 5-0, on a roll-call vote.

~~b. Completeness Review for PUD 2021-01 — Jones Marsh Affordable Housing Development~~ [REMOVED FROM AGENDA AT APPLICANT'S REQUEST]

~~Project Location:~~ Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records. The subject land is the Town Hill Residential and Town Hill Rural districts.

~~Applicant/Owner:~~ Island Housing Trust

~~Application:~~ The applicant proposes to subdivide a 30-acre property into nine lots (eight lots buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

VII. OTHER BUSINESS

a. Discussion on proposed Solar Photovoltaic (PV) system LUO amendment

Planning Director Gagnon introduced the documents before the board. A text box was added to explain the rationale for exemption from lot coverage, said Planning Director Gagnon. She noted there was also a comment received from Margaret Jeffrey, asking that there be no minimum square-footage number for a standalone PV system. Planning Director Gagnon felt it was unlikely someone would build a standalone array of less than 20,000 square feet, because of decommissioning requirements and other required expenses.

Vice-chair Cough noted that there was no public hearing scheduled but opened the meeting for brief public comment. Ken Colburn was on the line. He thanked the board and staff for their work; he said it's unusual a town would have a draft of this quality this early in the process. He reinforced the point raised by Margaret Jeffrey in her email and said he had been astounded by how rapidly technology had changed; the way technology is evolving, he said, a 20,000 square foot space could end up being 1/4 to 1/2 megawatt within a few years, which is 1 to 2 percent of the island's electricity load. "I think that we should not have that high a limit," he said, "subject to accessory use. We ought to be able to have stand-alone go smaller than that." He urged the board to continue to move forward rapidly on this.

The PV system principal use and the 20,000 square feet threshold is only for stand-alone, said Planning Director Gagnon. There's also something proposed called PV accessory use. Accessory use would continue to be allowed for roof-mounted (without any square-footage limits) and for a

ground-mounted array up to 20,000 square feet. The difference, she said, is that accessory use is subject to lot coverage, while the principal use (panels) would not be subject to lot coverage.

Mr. Colburn clarified that 140 feet by 140 feet (20,000 square feet) would not qualify as a principal use. That's quite a large array, said Mr. Colburn. He felt it would not be wise to limit principal uses to larger than that. That will become more of an issue as the efficiency of the panels improves, so they yield more and more in a smaller space, he said.

Chair St. Germain asked whether the accessory use would be exempt from height standards. If they're not exempt from lot coverage as an accessory use, how is lot coverage measured? He asked. CEO Chamberlain said any roof mounted panels would still have to meet height requirements and that lot coverage is examined as a bird's eye view, from above.

Mr. Dority clarified whether chimneys are exempt but solar panels are not. CEO Chamberlain said chimneys and cupolas are called out as not being included in the measurement of height, but said she could not think of an example where a resident did not meet height requirements with their PV panels. Chair St. Germain wondered if PV panels should also be exempt.

Chris Byers was on the line. Many of the solar projects that will be proposed, he said, will all probably look very similar. He asked how the board is measuring square footage, whether it is from a bird's eye view or as impervious surface. Vice-chair Cough said the board would likely take that up during discussion but wanted to hear from all those with questions. The ordinance that has been put together is fairly typical, said Mr. Byers. Roughly 10 percent of towns are putting together an ordinance, he said. He offered contact information for other towns who are also crafting ordinances should board members desire it.

Margaret Jeffrey spoke next. She thanked the board and staff for their work. She suggested removing the 20,000 square feet threshold. It wouldn't affect the definition of accessory use, she said. A system under 20,000 square feet could be either the accessory or the principal use of a particular lot. A system over 20,000 square feet, she said, because of the limitation in the definition of accessory use — that system would only be allowed to be a principal use.

Beth Woolfolk was on the line. She thanked the board and staff for their work. There is a gap, she said, that leaves out arrays under 20,000 square feet as a principal use. This limitation could leave out a third financing option for smaller projects, she said, which could unintentionally leave out possible equity growth for low- and middle-income households. Mr. Dority asked if she could send that information to the board. Ms. Woolfolk said yes, she would do that.

Seeing no more commenters, the board moved on to a discussion. Mr. Eleftheriou asked for Planning Director Gagnon's opinion on the comments. Planning Director Gagnon felt that, at

first glance, she didn't see a problem with eliminating the size limit, but wanted to sit down and examine the issue further. Answering a question regarding how lot coverage is calculated, a principal use PV system (panels) would be exempt from lot coverage. To be exempt from lot coverage, panel arrays must be constructed in a way that allows for growth underneath, she said.

Mr. Eleftheriou felt it might make sense to allow smaller arrays to be built as a principal use. It's a lot of work and soft costs, said Planning Director Gagnon, to do a visual impact assessment, have a decommissioning plan and meet other board requirements.

We want to make it as easy as possible but still be able to control what's happening, said Mr. Dority. He asked what would happen if someone had their lot covered but wanted to put up PV panels. How would that affect lot coverage? CEO Chamberlain said it would not change the lot coverage; for instance, a property owner could put a solar array in a parking lot and that would not change the lot coverage.

Chair St. Germain asked what would stop someone from saying if they had a house and a solar array that they weren't both primary uses. If that's the use they want to choose and they meet that, that's fine, but they will have to go through site plan approval and meet other standards as well, said CEO Chamberlain.

Vice-chair Cough said he was grateful for the comments. He wondered about the potentially larger problem of making sure the substations that might be necessary with increased generation are allowed/present in the zones in which PVs would be allowed. An ordinance that allows PVs but doesn't take into account how the power they produce is fed into the system is concerning, he said. There have been issues surrounding the existing substations, he noted. Vice-chair Cough was not in favor of discounting lot coverage for a primary use. That standard is not a good one to go around, despite the good that would come out of this, he said.

Secretary Brooks said she'd asked a similar question at one point. The substations that exist are located in multiple zones, she said, or are on a property that covers multiple zones. Technology is changing quickly enough, she added, that maybe it would be not too far down the line that those requirements would change. Mr. Dority agreed that technology is changing very rapidly.

Secretary Brooks asked a question about measuring lot coverage. Planning Director Gagnon explained some panels can be adjusted; if they can be adjusted to be flat, parallel to the ground, that would be the maximum. Lot coverage is associated with impervious surface. Highest lot coverage in the proposed zones is 75 percent, which is an outlier, she said. The norm would be 25 percent. If you don't exempt from lot coverage you'd need quite a sizable lot, she said.

Mr. Eleftheriou said this ordinance will likely be “useless” without exempting lot coverage. He wanted to hear from those with concerns about lot coverage. Secretary Brooks understood that the draft ordinance language is fairly common, but the island is unique. We have very little developable land, she said. This is a specific use we’re considering changing the rules for, said Secretary Brooks. Mr. Eleftheriou said he didn’t want to put anybody on the spot but felt the board should be on the same page with the ordinance to “bring something to fruition.”

Vice-chair Cough felt that exempting certain PV systems from lot coverage would mean stormwater runoff wouldn’t necessarily have a chance to absorb into the earth. Without the ability to absorb underneath the panel, what will that do to surrounding areas as the water runs off, he asked. Does that change the dynamic of the environment around it? It’s not just the coverage, it’s what happens to the stuff that washes off, he said. Mr. Eleftheriou said there are plenty of systems the board could examine to alleviate concerns, particularly around vegetation.

An applicant would still need to do stormwater management, said Planning Director Gagnon. “I really don’t think we’re looking at hundreds of these,” said Mr. Dority. Planning Director Gagnon agreed. Any arrays that do pop up may pop up on underutilized pieces of land. That is a good use for that type of land, she said. It’s unlikely there will be many large systems, she said, because land is expensive on the island. Mr. Dority added that there is a lot of expense involved and the board should encourage and support large arrays.

Chair St. Germain wished there was an “elegant way” that lot coverage exemptions could be extended to affordable housing, so as to demonstrate priorities. “I realize they are two separate issues,” he said, but added the board has been told that both are emergencies. “We’re all wrestling with the idea of seeing whether affordable housing will ever be part of our community again,” he said, “and this might be an opportunity for that if we exempt it from lot coverage at the same time.” Vice-chair Cough said he would also like to see that but felt it was unlikely.

Planning Director Gagnon asked for guidance on the 20,000 square feet issue. The threshold was initially much higher, she said, and had been lowered after discussions. Vice-chair Cough suggested staff take a further look, as Planning Director Gagnon proposed earlier, and come back to the board with a recommendation. Planning Director Gagnon was comfortable with that plan.

Secretary Brooks asked if there had been consideration of increasing lot coverage for this particular use (or others, such as affordable housing) rather than exempting a use from lot coverage.

There are lots, said Planning Director Gagnon, that straddle multiple zones. It could be cumbersome if there were different requirements in each zone. Industry recommendation is that lot coverage not apply, she said. If you’re storing boats, for instance, that is already exempt from

lot coverage in Bar Harbor's Land Use Ordinance; this would be similar. If it becomes too complicated, no one will take advantage of it, said Planning Director Gagnon. Chair St. Germain made a good point regarding affordable housing, she said. Many of the town's zoning and dimensional requirements are above and beyond health safety and welfare. But we can't compare one with the other at this point, because that's not what's on the table, she said.

Vice-chair Cough reiterated his concerns about grid connections and wondered who an appropriate party might be to answer questions. Mr. Eleftheriou felt it wasn't the board's concern and that developers and utility companies would work that out. "I don't think we have to be concerned with if it's feasible or not," he said.

Mr. Eleftheriou noted that there had been comments coming in via the Zoom platform. Vice-chair Cough couldn't see them but was willing to entertain them. Chair St. Germain made a comment about essential services and asked CEO Chamberlain whether electricity generation was considered an essential service. Such services are exempt from lot coverage in the setbacks, he noted. There has been some dispute whether things of this nature fall under that definition, said CEO Chamberlain. In the past, she said, there has been opposition to the idea that generating electricity is considered an essential service and exempt from lot coverage in the setbacks.

Assistant Planner Fuller noted that several meeting participants had made comments during the meeting; he encouraged those in the public with information or comments to send them to the board by email. He asked whether that would be appropriate. Vice-chair Cough said yes. Vice-chair Cough appreciated everyone's comments and felt emailing the comments and including them at a subsequent meeting would allow all board members and members of the public to hear them. Assistant Planner Fuller encouraged those with a comment or more information to send it to planningboard@barharbormaine.gov.

b. Discussion on proposed Accessory Dwelling Units LUO amendment

Planning Director Gagnon updated the board on changes staff made to the draft amendment at the board's direction, including altering language to refer to a "bonus" dwelling unit, rather than accessory dwelling unit, which is by definition subordinate. She noted that CEO Chamberlain provided a list of districts and minimum lot size and area per family standards for each district.

Vice-chair Cough asked board members' feelings regarding a third dwelling unit. Chair St. Germain said it could be that people don't typically think about adding another dwelling unit and that calling it out and letting residents know they are able to do this might be effective. Chair St. Germain asked whether, if somebody already took advantage of increased density under the PUD process, would they then be able to take advantage of additional density?

Secretary Brooks liked the idea of calling it a “bonus” dwelling unit, rather than accessory. Getting rid of area per family is key, she said. The intent behind this is to create more dwelling units. Vice-chair Cough asked for Secretary Brooks’s thoughts on PUD. That will be tricky, she said, as PUDs are already taking advantage of increased density. To allow them additional bonuses “seems like overkill.”

Mr. Eleftheriou was “on the fence” and wanted more time to think about that particular issue. As for whether it would be appropriate to allow a third dwelling unit, Mr. Eleftheriou said he was in favor, but wondered whether adding that would be confusing or result in pushback. “Let’s get the one and amend something later on,” he said. Mr. Dority wanted more time to think about the PUD issue and wondered what unintended consequences might arise. He supported allowing a third dwelling unit.

Vice-chair Cough supported allowing a third dwelling unit as well. It wouldn’t have to be in the language, he said, but an additional dwelling unit over and above what is currently allowed. Those who have been through the PUD process have already gotten the benefit, he said. “I’m not inclined to think that that’s the best way forward,” he said.

Vice-chair Cough asked if Planning Director Gagnon had any other comments. She outlined possible next steps, including drawing up a table where two and three units would be allowed. There was a discussion about timing. To get an item on the November ballot, a public hearing would need to be called on June 2 and held July 7, she said. Planning Director Gagnon suggested holding a workshop on May 19.

At Planning Director Gagnon’s suggestion, Vice-chair Cough asked whether there was anyone in the public who wished to make a public comment. There were no commenters.

Mr. Dority moved that Items VII. a and b be moved to a workshop on May 19, 2021 at 4:00 PM, with the board’s efforts concentrated on accessory dwelling units in districts on the chart drafted May 5, 2021 that do not currently allow accessory dwelling units. Secretary Brooks seconded the motion, which then carried unanimously (5-0), on a roll-call vote.

c. Update on proposed Signage LUO amendment

Assistant Planner Fuller updated the board on the proposed amendment. An issue regarding neon vacancy/no vacancy signs was brought back to the Design Review Board for discussion. The Design Review Board consensus, said Assistant Planner Fuller, was to not pursue language that staff had looked at relating to expanding an existing provision in the Land Use Ordinance allowing neon vacancy/no vacancy signs. Assistant Planner Fuller also updated the board on multi-tenant properties with multi-tenant signage plans. There is seemingly conflicting language

regarding multi-tenant signage plans, specifically contained in §125-67 BB. (6)(f) versus §125-67 BB. (6)(O). Design Review Board was in favor of the provision in §125-67 BB. (6)(O).

d. Discussion on rooftop parking (possible LUO amendment)

Chair St. Germain wondered if the board was willing to push this ahead. Vice-chair Cough felt it should wait until the other amendments under consideration were taken care of but was happy to discuss it further down the road. Chair St. Germain said that was fine.

Secretary Brooks said she, too, thought it was something the board should continue to explore after the other items were wrapped up. She wondered whether the parking task force had ever discussed this. "It's definitely worth pursuing," she said.

Mr. Dority agreed and said he would be happy to contact the parking task force. Mr. Eleftheriou was also in favor of making progress on the other amendments before delving into the issue.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

None.

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

Mr. Dority asked if there was a particular reason why the Jones Marsh project was pulled from the agenda. Planning Director Gagnon said there was no specific reason given by the applicant.

Vice-chair Cough heard that state law prohibits the board from waiving stormwater runoff and wondered if that was true and whether anything else might fall under that waiving exemption.

X. ADJOURNMENT

At 6:29 PM, Secretary Brooks moved to adjourn. Mr. Dority seconded. The motion carried unanimously, 5-0, on a roll-call vote.



Town of Bar Harbor Planning Department

STAFF REPORT

Public Hearing and Compliance Review

SITE PLAN APPLICATION

SP-2021-02 — OCEANSIDE KOA

Date: May 25, 2021

Project Location: The property is located at 135 County Road, Tax Map 211, Lot 1. The parcel encompasses ± 2.63 acres of land, according to town tax records.

District: The subject land is in the Town Hill Residential Corridor, Town Hill Residential and Stream Protection zoning districts.

Applicant/Owner: The owner of the property is Kampgrounds of America, Inc. (550 N. 31st Street, Suite 400, Billings, MT 59101) and the applicant is Bar Harbor Oceanside KOA (136 County Road, Bar Harbor, ME 04609).

Proposed Project: The construction of nine worker campsites. This will improve campground operations and worker privacy. Worker sites will be relocated from the existing campground area (Tax Map 211, Lot 3/104 County Road, in Bar Harbor) to this property.

Permitted Use: Campground

Meeting Date: May 5, 2021 – Completeness
June 2, 2021 – Public Hearing and compliance review

Applicable Laws: Bar Harbor Land Use Ordinance §125-67 General Standards

Review Process:

1. Applicant presents application
2. Questions and comments from the board
3. Public hearing
4. Deliberations and determination of compliance with standards per 125-67

- Proposed Motion: Move to wave the standard in 125-69 C. (2) requiring that the campsites be a minimum of 2,500 square feet as these are worker campsites that will not be used by customers and as we need worker housing, and as this modification will not alter or nullify the purpose or intent of municipal zoning, the Comprehensive Plan, or Article III of this chapter.
- Proposed Motion: Move to approve the application SP-2021-02 Oceanside KOA as it meets the standards of the Bar Harbor Land Use Ordinance sections 125-67 and 125-69 with the following conditions of approval: capacity letter from the Public Works Department, DHHS well change approval, one trash receptacle for

each campsite, receipt of the Capacity Statement from the Public Works Department, and that the sites be used exclusively by campground workers and that they shall not be used by customers, per the decision dated June 2, 2021



Town of Bar Harbor Planning & Code Department

DECISION

SP-2021-02 — OCEANSIDE KOA

Date: June 2, 2021

Project Location: The property is located at 135 County Road, Tax Map 211, Lot 1. The parcel encompasses ± 2.63 acres of land, according to town tax records.

District: The subject land is in the Town Hill Residential Corridor, Town Hill Residential and Stream Protection zoning districts.

Applicant/Owner: The owner of the property is Kampgrounds of America, Inc. (550 N. 31st Street, Suite 400, Billings, MT 59101) and the applicant is Bar Harbor Oceanside KOA (136 County Road, Bar Harbor, ME 04609).

Proposed Project: The construction of nine worker campsites. This will improve campground operations and worker privacy. Worker sites will be relocated from the existing campground area (Tax Map 211, Lot 3/104 County Road, in Bar Harbor) to this property.

Permitted Use: Campground

Meeting Date: May 5, 2021 – Completeness
June 2, 2021 – Public Hearing and compliance review

Received: April 15, 2021

Notice to Abutters: May 18, 2021

Comment Period: Ended July 1, 2021

The approval is based upon the following submitted plans:

- Sheet 1-2 Site Plan Amendment Oceanside KOA Operations prepared by Kiser Engineering dated April 26, 2021
- Sheet 2-2 Details Oceanside KOA Operations prepared by Kiser Engineering dated April 26, 2021
- Oceanside campground map showing the camp sites being relocated across the County Road as worker camp sites, stamped April 27, 2021

To the Code Enforcement Officer: Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on July 2, 2021, by a motion duly made and seconded, it was voted to approve the noted application.

This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height		✓	
D.	Parking requirements		✓	
E.	Parking areas and driveways	✓		
F.	Loading requirements	✓		
G.	Street, sidewalks, and access	✓		
H.	Buffering and screening		✓	
I.	Water supply		✓	See conditions
J.	Municipal water supply	✓		
K.	Groundwater		✓	
L.	Stormwater management		✓	
M.	Municipal sewer facilities	✓		
N.	Sewage disposal		✓	
O.	Soils	✓		
P.	Landscaping		✓	
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal		✓	
U.	Dangerous or hazardous materials and wastes		✓	
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare		✓	
AA.	Noise	✓		
BB.	Signs and advertising		✓	
CC.	Outdoor storage and displays	✓		
DD.	Utilities		✓	
EE.	Fire protection		✓	
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity		✓	
HH.	Farmland	✓		
II.	Other municipal services	✓		
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources		✓	
MM.	Utilization of the site	✓		
NN.	Natural Features		✓	

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular use, structures or activities, as presented in the table below:

Section 125-69 Standards for particular uses, structures or activities

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
C.	Campgrounds			
	(1) State permits and licenses		✓	
	(2) Minimum area per site		✓	See modification of standard
	(3) Setback		✓	
	(4) Screening		✓	
	(5) Trash receptacle		✓	See conditions

The applicant is advised of the following:

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.

MODIFICATION OF STANDARDS

1. As the campsites are for the exclusive use of campground workers, the area per campsites may be less than 2,500 square feet.

CONDITIONS:

1. The Code Enforcement Officer shall not issue a Certificate of Occupancy until there is evidence that the well complies with the Maine Department of Health and Human Services – Drinking Water Program for system change and that a trash receptacle is provided for each site.
2. The Code Enforcement Officer shall not issue a building permit until a Capacity Statement from the Public Works Department has been received.
3. The applicant shall provide a trash receptacle for each site.
4. The approval is for campground worker campsites only. The campsites shall not be used by customers.

No modifications to this approval shall be made without an application to the Planning Department.

Tom St, Germain, Chair
Planning Board, Town of Bar Harbor

Date

Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.



Town of Bar Harbor

STAFF REPORT

SUBDIVISION PRE-APPLICATION SKETCH PLAN REVIEW SD-2021-03 — HARBOR LIGHTS RETIREMENT COMMUNITY

Applicant/Owner: Harbor Lights, LLC, 80 Exchange Street, Bangor, ME 04402

Proposed Project: The applicant proposes to construct a retirement community on a 58.7-acre parcel of land. The portion of the site that will be developed is an 18.7-acre segment of land wholly located with the Halls Cove Rural District. The proposal includes physician offices and 50 independent living dwellings. The development will be served by public sewer and public water.

Project Location: 18 Hamor Lane (Tax Map 216, Lot 50), encompassing a total of 58.97 acres according to town tax records.

Districts: Shoreland Limited Residential, Halls Cove Residential Corridor, Halls Cove Rural, Resource Protection and Ireson Hill Residential.
The proposed development would be located entirely in the Halls Cove Rural District.

Allowed Use: Halls Cove Residential Corridor: Residential retirement community

Important Dates: June 2, 2021 - Sketch Plan Meeting

Applicable Laws: 125-72 submission requirements for pre-application sketch plan

Process and Proposed Motions:

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period – *mandatory for sketch*
4. PB informs applicant of suggestions to be incorporated in the application
5. Act/guidance on submission of waiver request – *we recommend not acting on waivers, only guidance.*

Proposed motion: Move not to act on submission of waiver request as this is only a pre-application, the applicant has no vested rights, and it is too early in the process to make such decisions, the board would have to act again on the submission of waiver request at the completeness review meeting creating confusion, and as the board has provided guidance to the applicant on the submission of waiver request.

6. Schedule Site visit and neighborhood.

Proposed Motion: Move to have staff schedule a site visit or self-guided site visit and to schedule neighborhood meeting (optional).

Staff Comments:

1. It is the applicant's intention to seek a modification of standard for two street connections off Route 3.



Town of Bar Harbor

STAFF REPORT

**SUBDIVISION/SITE PLAN
PUD (OUTLYING)-2021-01
JONES MARSH AFFORDABLE HOUSING DEVELOPMENT**

COMPLETENESS REVIEW

- Owner/Applicant:** Island Housing Trust. C/O Marla O'Bryne
(1366 Maine-102, Bar Harbor, Maine 04609)
- Proposed Project:** The applicant proposes to subdivide a 30-acre property into nine lots (8 buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.
- Location:** Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records.
- Districts:** Town Hill Residential and Town Hill Rural districts.
- Allowed Use:** One-family, two-family, and PUD-O
- Important Dates:** February 3, 2021 - Sketch Plan Review
May 5, 2021 – Completeness Review
- Applicable Laws:** 125-66 submission requirements for site plan

Process and Proposed Motions:

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period
4. Waiver requests

Proposed motion: Move to grant the waivers requested by the applicant as listed in the checklist and change #9CC from waiver to exhibit; as such waivers will not unduly restrict the review process, as they are inapplicable, unnecessary or inappropriate for a complete review.

5. Review of Submission Requirements 125-66/checklist

- Proposed motion: Move to find the application PUD-2021-01 Jones Marsh Affordable Housing Development [complete/incomplete] per the Bar Harbor Land Use Ordinance section 125-66 and to schedule a public hearing on July 7, 2021. The information missing from the application includes the capacity letter from Public Works; MDEP Stormwater Permit-by-Rule, MDEP Natural Resources Protection Act Tier 2/3, and MDEP Permit-by-Rule permits; and clearance letters from Maine Historic Preservation Commission, Inland Fisheries & Wildlife, and Natural Areas Program.

General Comments:

Need more information on how the proposed trail connects to Maine Coast Heritage Trust's land.

Need to show authorization to the White Deer Subdivision fire pond.

It was unclear what the survey plan from Herrick & Salsbury dated April 7, 2017 is about, it was very hard to read.

It was unclear what is going on with the Limited Title Opinion in section 4.

The applicant will be seeking several modification of standards, as explained in the narrative in Exhibit 1I, and as summarized below:

- | | |
|--------------------------------|---|
| 125-67B | To lower deviation from Lot Standards (as this is a PUDO) to include lot sizes, road frontage and width, setbacks, lot coverage, as well as parking and maneuvering in the front setback, and filling of wetland on lot# 1. This, in part, refers back to modification of 125-69M(6)(d)[1]. |
| 125-67E | To allow parking in the ROW |
| 125-67E22 | To allow driveway in side setback to avoid impact to wetland for lot #1 |
| 125-67DD | To allow overhead utilities |
| 125-69M(6)(b) | To allow properties to be first offered to the people on the wait list instead of offered to town staff, and then advertised for. Refers back to modification of 125-69R. |
| 125-69M(6)(d) & (e) | See 125-67 above |
| 125-69R(3)(a) | See 125-69M(6)(b) and refer to 125-69R |
| 125-69R(3)(c)[5] | To not provide the town the ability to enforce the affordability covenants in the event that ITC fails to do so. |

- 125-69R(3)(c)[6]** Not applicable if the board agrees to modify 125-69 R(3)(c)[5] above
- 125-69R(3)(i)[1]** To offer as a preference not as a requirement the properties to first-time homebuyer.

Draft Order

Of the Bar Harbor Town Council For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT - Signage - Shall an ordinance, dated June 2, 2021, and entitled “An amendment to create new, and amend existing, regulations regarding signage,” be enacted?

Signage

An amendment to address where certain types of internally illuminated signs can and cannot be located; to clarify how to calculate what percent of a building’s exterior wall a sign covers; to establish a color temperature limit for externally illuminated sign light sources; to amend and clarify what types of sign may be replaced without Design Review Board review; to amend existing definitions related to internally illuminated signage; and to add new definitions for two types of internally illuminated signs: push-through lettering (of which one subtype would be allowed anywhere in town and another subtype would be allowed only on lots with frontage on Route 3, Route 102 and Route 233) and neon sign (such signs are already allowed, up to a certain size and in specific parts of town, but there is no definition at present).

EXPLANATION:

This amendment would:

- Correct an error in the list of internally illuminated signs that are prohibited in all districts (where “Type 2” was supposed to be “Type 3”), and additionally add Type 4 (halo) to the list of internally illuminated signs prohibited in all districts;
- Delineate where certain subtypes (Type 2-B and Type 5-B) of internally illuminated signs would be allowed and prohibited (newly allowing them on Route 233, and newly prohibiting them on a specific section of Route 3 in the downtown area);
- Add an inset map illustration to graphically show the section of Route 3 where Type 2-B and Type 5-B signs would be prohibited;
- Establish a color temperature limit for light sources of externally illuminated signs by codifying the 3,000 Kelvin limit the Design Review Board has been recommending to applicants;
- Change a limit on wall sign size from being capped at 10% of “wall area” (which is not defined in the ordinance) to “facade” (an existing definition);
- Resolve a discrepancy between §125-67 BB. (6) (f) and §125-67 BB. (6) (o) [2] regarding review of signs under a multi-tenant signage plan by striking part of 125-67 BB. (6) (f);

- Allow for the replacement of individual, conforming, non-illuminated signs without requiring Design Review Board review, broadening an existing exemption that is limited to three specific types of signs.
- Create and define a fifth type of internally illuminated sign called “push-through lettering”;
- Differentiate the two subtypes of Type 2 internally illuminated signs, as “Type 2-A” and “Type 2-B”; and
- Create and define a new type of sign called neon sign, recognizing it is a type of sign that already exists in town under certain circumstances and which is referred to elsewhere in the ordinance but is not presently defined, with the definition including signs designed to simulate the appearance of neon signage.

An Amendment to Articles V and XII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

Please note: Old language is ~~stricken~~. New language is underlined.

Chapter 125 , LAND USE ORDINANCE

Article V. Site Plan Review

§ 125-67 General review standards.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(3) Prohibitions.

(h) Internally illuminated signs of Type 1, cabinet with translucent face, ~~and Type 23,~~ channel letter, and type 4 halo are prohibited in all districts.

(i) Internally illuminated signs of Type 2-B, cabinet with light limiting face, 30% (or less) translucent face/70% (or greater) opaque background field, and Type 5-B, push-through lighting, 30% (or less) translucent/70% (or greater) opaque background field, are prohibited in all districts except for lots with frontage on Route 102, ~~or Route 3, or Route 233.~~ They are also prohibited on lots with frontage on the section of Route 3 beginning in the north where it crosses over Eddie Brook and ending in the south where it crosses over Cromwell Brook, as shown in Figure 1.

(j) The color temperature of an externally illuminated sign's light source shall not exceed 3,000 degrees Kelvin (K).



(4) General requirements for all signs.

(f) Wall signs. The maximum area of a wall sign shall not exceed 10% of the wall-area facade to which it is attached. Projecting wall signs shall have a minimum of 10 feet of clearance from the ground.

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein; ~~but as changes occur, individual signs will be reviewed.~~ In addition to Table 2,[4] the signage plan shall show:

- [1] Allowable square footage for each unit;
- [2] Any restrictions on signage as may be imposed by the landowner.

(o) Exemptions. The following activities are not subject to design review:

- [1] Replacement of one conforming ~~wall-mounted, hanging, or window non-internally illuminated~~ sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.
- [2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

Article XII. Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

SIGN, INTERNALLY ILLUMINATED — A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are ~~four~~ five types, as follows:

- A. **TYPE 1; CABINET WITH TRANSLUCENT FACE** — An internally illuminated sign with a cabinet-style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.
- B. **TYPE 2; CABINET WITH LIGHT LIMITING FACE** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:
- (1) **Type 2-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 2-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.
- C. **TYPE 3; CHANNEL LETTER** — An internally illuminated sign comprised of three-dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.
- D. **TYPE 4; HALO** — An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.
- E. **TYPE 5; PUSH-THROUGH LETTERING** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to one-half inch in depth. This type of sign has two acceptable categories:
- (1) **Type 5-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 5-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.

SIGN, NEON — A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” shall also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.

Given under our hands and seal at Bar Harbor this XXXX day of XXXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait

Draft Order

Of the Bar Harbor Town Council For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT — Short-Term Rentals — Shall an ordinance, dated June 2, 2021, and entitled “An amendment to regulate short-term rentals;” be enacted?

Short-Term Rentals

An amendment to:

- a) Regulate short-term rentals by creating and defining short-term rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2) uses, and amend and add related definitions;
- b) Establish specific standards for the new uses including, but not limited to, provisions for transition from vacation rental (VR) to VR-1 and to VR-2;
- c) Allow existing VR registrations to continue operating so long as the registration is renewed annually;
- d) Allow VR-1 a minimum rental period of two nights;
- e) Allow a maximum number of two VR-1 registrations per primary residence property;
- f) Allow VR-2 a minimum rental period of four nights;
- g) Cap the maximum town-wide number of VR-2 registrations at 9% of the total number of residential dwelling units in Bar Harbor;
- h) Prohibit the transfer of any registration except for a change of ownership during the term of the registration, in which case the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31;
- i) Allow VR-1 in the following 34 districts: Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village II, Downtown Village Transitional, Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, Shoreland General Development II (Hulls Cove), Shoreland General Development III, Shoreland General Development IV, and Educational Institution; and
- j) Allow VR-2 in the following 18 districts: Bar Harbor Gateway, Village Historic, Mount

Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village I, Downtown Village Transitional, Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Corridor, Salisbury Cove Corridor, Salisbury Cove Village, Town Hill Business, Town Hill Residential Corridor, and Town Hill Residential.

EXPLANATION

List of acronyms used in the explanation below:

VR: Vacation rental
VR-1: Vacation rental-1
VR-2: Vacation rental-2

- A. It would create and define two new uses, VR-1 and VR-2.
- B. It would add a definition for short-term rental, an umbrella term to encompass VR, VR-1 and VR-2.
- C. Any owner with an existing VR registration would be able to continue operating so long as the registration is renewed annually.
- D. A VR-1 would be the short-term rental of an owner's primary residence (or a part of it) and/or the rental of another residential dwelling unit on the owner's primary residence property. It would be allowed in the same 34 districts where VRs are presently allowed. It would allow a minimum rental period of two nights. The maximum number of VR-1 registrations allowed per primary residence property would be two.
- E. A VR-2 would be the short-term rental of a residential dwelling unit that is not the owner's primary residence. It would be allowed in the districts zoned for commercial and lodging activities. It would allow a minimum rental period of four nights. The maximum number of VR-2 registrations allowed for the town as a whole would be capped at 9% (herein referred to as the 9% cap) of the total number of residential dwelling units in Bar Harbor.
- F. Transfer of any registration would be prohibited. However, if there was a change of ownership during the term of the registration, the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.
- G. Any currently registered VR may continue until May 31, 2022.
- H. On or before May 31, 2022, the VR registration would have to be renewed as a VR-1 for a VR operating in a dwelling unit, or in a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary

residence. However, if an owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) would have to be renewed as VR-2s notwithstanding the 9% cap.

- I. On or before May 31, 2022, the VR registration would have to be renewed as a VR-2 for any VR not operated in a dwelling unit that is the owner's primary residence or is not on the property of the owner's primary residence notwithstanding the district it is in or the 9% cap.**
- J. After December 2, 2021, the Code Enforcement Officer will accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. New VR-2 registrations issued on or after June 1, 2022 will be subject to the 9% cap.**
- K. New VR-1 would be allowed in the following districts. These are the same districts where VRs are presently allowed:**
 - 1. Bar Harbor Gateway
 - 2. Village Historic
 - 3. Mount Desert Street Corridor
 - 4. Village Residential
 - 5. Downtown Village I
 - 6. Downtown Village II
 - 7. Downtown Village Transitional
 - 8. Downtown Residential
 - 9. Emery District
 - 10. Hulls Cove Business
 - 11. Hulls Cove Residential Corridor
 - 12. Hulls Cove Rural
 - 13. Indian Point Residential
 - 14. Indian Point Rural
 - 15. Ireson Hill Corridor
 - 16. Ireson Hill Residential
 - 17. McFarland Hill Residential
 - 18. McFarland Hill Rural
 - 19. Otter Creek
 - 20. Salisbury Cove Corridor
 - 21. Salisbury Cove Residential
 - 22. Salisbury Cove Rural
 - 23. Salisbury Cove Village
 - 24. Schooner Head
 - 25. Town Hill Business
 - 26. Town Hill Residential Corridor
 - 27. Town Hill Residential
 - 28. Town Hill Rural
 - 29. Shoreland General Development I
 - 30. Shoreland Limited Residential
 - 31. Shoreland Gen. Dev. II (Hulls Cove)
 - 32. Shoreland General Development III
 - 33. Shoreland General Development IV
 - 34. Educational Institution
- L. New VR-1 would be prohibited in the following districts. These are the same districts where VRs are presently prohibited:**
 - 1. Industrial
 - 2. Stream Protection
 - 3. Resource Protection
 - 4. Scientific Research
 - 5. Shoreland Maritime Activities
 - 6. Marine Research
- M. New VR-2 would be allowed, subject to the proposed 9% cap, in the following districts:**
 - 1. Bar Harbor Gateway
 - 2. Village Historic
 - 3. Mount Desert Street Corridor
 - 4. Village Residential
 - 5. Downtown Village I
 - 6. Downtown Village II

- | | |
|-------------------------------------|------------------------------------|
| 7. Downtown Village Transitional | 13. Ireson Hill Corridor |
| 8. Downtown Residential | 14. Salisbury Cove Corridor |
| 9. Emery District | 15. Salisbury Cove Village |
| 10. Hulls Cove Business | 16. Town Hill Business |
| 11. Hulls Cove Residential Corridor | 17. Town Hill Residential Corridor |
| 12. Hulls Cove Rural | 18. Town Hill Residential |

N. New VR-2 would be prohibited in the following districts:

- | | |
|-------------------------------------|---|
| 1. Indian Point Residential | 12. Shoreland Limited Residential |
| 2. Indian Point Rural | 13. Shoreland Gen. Dev. II (Hulls Cove) |
| 3. Ireson Hill Residential | 14. Shoreland General Development III |
| 4. McFarland Hill Residential | 15. Shoreland General Development IV |
| 5. McFarland Hill Rural | 16. Educational Institution |
| 6. Otter Creek | 17. Industrial |
| 7. Salisbury Cove Residential | 18. Stream Protection |
| 8. Salisbury Cove Rural | 19. Resource Protection |
| 9. Schooner Head | 20. Scientific Research |
| 10. Town Hill Rural | 21. Shoreland Maritime Activities |
| 11. Shoreland General Development I | 22. Marine Research |
-
-

An amendment to Articles III, V, and XII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

Please note: Old language is ~~stricken~~. New language is underlined.
All changes are highlighted for ease of reference.

Chapter 125 , LAND USE ORDINANCE

Article III. Land uses Activities and Standards

§ 125-17 Bar Harbor Gateway.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; ~~vacation rentals~~; single-family dwelling and two-family dwelling.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-18 Village Historic.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; ~~vacation rentals~~; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-19 Mount Desert Street Corridor District.

C. Allowed Uses

- (1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services ; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-20 Village Residential.

C. Allowed Uses

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; roadside stand; vacation rentals.

F. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21 **Downtown Village I.**

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; ~~vacation rentals~~; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21.1 **Downtown Village II.**

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; ~~vacation rentals~~; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; ~~vacation rentals~~; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market; home occupation.

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-22 Downtown Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

~~Vacation rentals~~

§ 125-23 Emery District.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-24 Hulls Cove Business.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-26 Hulls Cove Residential Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-27 Hulls Cove Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-28 Indian Point Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-29 Indian Point Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-31 Ireson Hill Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

~~Vacation rentals~~

§ 125-32 Ireson Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-33 McFarland Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-34 McFarland Hill Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires

Vacation rentals

§ 125-35 Otter Creek.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-37 Salisbury Cove Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-

Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-38 Salisbury Cove Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-39 Salisbury Cove Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-40 Salisbury Cove Village.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-41 Schooner Head.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-43 Town Hill Business.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-44 Town Hill Residential Corridor.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-45 Town Hill Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-46 Town Hill Rural.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Vacation rentals~~

§ 125-47 Shoreland General Development I.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or

built:

Vacation rentals

§ 125-48 Shoreland Limited Residential.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-49 Shoreland General Development II (Hulls Cove).

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

§ 125-49.1 Shoreland General Development III.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility, municipal school; public or private park with minimal structural development; ~~all vacation rentals~~; single-family dwelling and two-family dwelling.

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-49.2 Shoreland General Development IV.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, cabins and cottages, ~~all vacation rentals~~, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

§ 125-51.1 Educational Institution.

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Vacation rentals

Article V. Site Plan Review

125-69 Standards for particular uses, structures or activities

Y. Short-Term Rentals

(1) Terms, maximum number of registrations, and transfer of registration.

(a) Terms

[1] All registrations expire on May 31 of each year.

[2] If there is a change of ownership mid-term, the registration remains valid for the dwelling unit, or part thereof, to which it was issued until it expires on the following May 31.

(b) Maximum number of registrations

[1] Maximum number of vacation rental-1 (VR-1) registrations

A maximum of two VR-1 registrations per Tax Assessor property identification number for the rental of an entire dwelling unit, or a portion thereof, may be issued. A property owner is only be eligible for a VR-1 registration if that property owner can demonstrate that the dwelling unit or another dwelling unit, on the lot where the VR-1 is located, qualifies as their primary residence.

[2] Maximum number of vacation rental-2 (VR-2) registrations (VR-2 Cap)

Notwithstanding §125-69 Y. (2), the town-wide maximum number of VR-2 registrations (VR-2 cap) that may be issued shall not exceed 9% of the town's total number of dwelling units. The total number of dwelling units shall be determined by the Assessor at the start of each calendar year.

(c) Transfer of registration is prohibited. The transfer of any short-term rental registration is expressly prohibited.

(2) Transition to vacation rental-1 (VR-1) and vacation rental-2 (VR-2), and Continuance.

(a) Transition process from vacation rental (VR) to a vacation rental-1 (VR-1) or to a vacation rental-2 (VR-2).

[1] Starting on December 2, 2021, any duly registered VR may continue the use as a VR (to include 4-night minimum and the use of an entire dwelling unit or part thereof) until May 31, 2022. On or before May 31, 2022, the VR registration must be renewed as follows, and every year thereafter the registration must be renewed or it is forfeited:

[a] If the VR is operated in a dwelling unit, or is a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence, then the owner shall renew the VR registration as a VR-1. However, if the owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) shall be renewed as VR-2s, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if VR-2s are not allowed in that district.

[b] If the VR is not operated in a dwelling unit which is the owner's primary residence or is not on the property of the owner's primary residence, the VR registration may be renewed as a VR-2, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if (new) VR-2s are not allowed in that district.

[2] After December 2, 2021, the Code Enforcement Officer shall accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. On or after June 1, 2022, new VR-2 registrations shall comply with the maximum number of VR-2 registrations (VR-2 cap), pursuant to 125-69 Y. (1)(b)[2].

(b) Continuance of registration for vacation rental-1 (VR-1) and vacation rental-2 (VR-2)

[1] Any duly registered VR-1 or VR-2 may continue the use as a VR-1 or VR-2 and is eligible for renewal but only in strict compliance with the following:

[a] The registration must be renewed annually in accordance with this chapter and with Chapter 174. Short-Term Rental Registration. Any registration not renewed by the annual expiration date (May 31) will be deemed expired, and will not be eligible for renewal. An applicant whose registration has expired may apply for a new VR-1 or new VR-2 registration and will be required to follow all the requirements for a new VR-1 or new VR-2 registration.

Article XII. Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

FAMILY:

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit ~~(including a vacation rental)~~ and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, transient accommodations, short-term rental, employee living quarters, or shared accommodations.

PRIMARY RESIDENCE

A primary residence is the location where the owner resides most of the year. The property owner uses this address as their legal address for tax returns, driver's license, and/or voter registration card.

REGISTRATION

A written permission issued by the Code Enforcement Officer or designee to a property owner to operate a short-term rental in compliance with Chapter 174. Short-Term Rental Registration.

SHORT-TERM RENTAL

Includes vacation rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2)

VACATION RENTAL-1 (VR-1)

A dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days and a minimum of two nights. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing the dwelling unit.

VACATION RENTAL-2 (VR-2)

An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of 4 nights.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait

Draft Order

Of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT – Solar Photovoltaic Systems – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow solar photovoltaic systems as principal use,” be enacted?

Solar Photovoltaic Systems

An amendment to define ‘solar photovoltaic system, accessory use;’ to create and define a new use ‘solar photovoltaic system, principal use’ and associated definitions; to allow the ‘solar photovoltaic system, principal use’ use in the Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Industrial, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Rural, Scientific Research for Eleemosynary Purposes, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural districts; to exempt the solar panels and arrays of the ‘solar photovoltaic system, principal use,’ from lot coverage and establish additional standards and requirements for safety, fencing and screening, visual impacts, financial capacity, emergency and operation/maintenance plan, decommissioning plan, abandonment, and financial assurance of performance.

EXPLANATION

Photovoltaic systems are presently permitted as an accessory use but not as a principal use. These regulations are intended to allow for the construction and operation of ground-mounted solar photovoltaic systems, as a principal use. It establishes use-specific standards to ensure that projects are sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems that would be accessory to a permitted use or structure.

More specifically, it adds four definitions: Array; Photovoltaic; Solar Photovoltaic System, Principal Use (SPVS-PU); and Solar Photovoltaic System, Accessory Use. It proposes to allow Solar Photovoltaic System, Principal Use (SPVS-PU), in the following 19 districts: Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural,

Indian Point Residential, Indian Point Rural, Industrial, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Rural, Scientific Research for Eleemosynary Purposes, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural.

Solar Photovoltaic System, Principal Use (SPVS-PU), would be reviewed by the Planning Board as a Major Site Plan; would be required to meet all requirements of the district(s) where they are proposed to be allowed with the exception that the panels/arrays would be exempt from lot coverage; would be required to submit all applicable information per Submission Requirements §125-66 and meet all applicable General Review Standards per §125-67, as well as the following additional requirements/standards: Safety, Fencing and Screening, Visual Impacts, Financial Capacity, Emergency and Operation/Maintenance Plan, Decommissioning Plan, Abandonment, and Financial Assurance of Performance.

Solar Photovoltaic System

An amendment to Articles III, V, and XII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III. Land Use Activities and Standards

§ 125-23 Emery District.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Commercial boatyard
Commercial stable
Kennel, boarding
Municipal school
Noncommercial kennel
Noncommercial stable
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

§ 125-24 Hulls Cove Business.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

§ 125-26 Hulls Cove Residential Corridor.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

Multifamily dwelling II
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Wireless communications facility

§ 125-27 Hulls Cove Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Campground
Cemetery
Mineral extraction
Mineral extraction and processing
Mobile home park
Municipal school
Place of worship
Retirement community
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Transient accommodations (TA-1)
Wireless communications facility

§ 125-28 Indian Point Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Wireless communications facility

§ 125-29 Indian Point Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Cemetery
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Wireless communications facility

§ 125-30 Industrial.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage
Bulk oil and fuel tank storage
Commercial boatyard
Food processing and freezing (excluding slaughterhouse)
Food processing and freezing
Light manufacturing/assembly plant
Mineral extraction
Mineral extraction and processing
Newspaper or printing facility
Other processing and manufacturing facility
Research facility
Research production facility
Retirement community
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Terminal yard and trucking facility
Transportation facility
Upholstery shop
Uses or structures accessory to permitted uses or structures
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-31 Ireson Hill Corridor.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank
Campground
Employee living quarters

Mineral extraction
Mineral extraction and processing
Multifamily dwelling II
Municipal school
Parking lot
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-32 Ireson Hill Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Eleemosynary, educational or scientific institution
Municipal school
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)
Wireless communications facility

§ 125-33 McFarland Hill Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Commercial stable
Municipal school
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)
Veterinary clinic
Wireless communications facility

§ 125-34 McFarland Hill Rural.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
Cemetery
Commercial stable
Eleemosynary, educational or scientific institution
Municipal school
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Veterinary clinic
Wireless communications facility

§ 125-35 Otter Creek.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Commercial stable
Municipal facility and grounds
Place of worship
Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
Veterinary clinic
Transient accommodations (TA-1)
Wireless communications facility

§ 125-37 Salisbury Cove Corridor.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery
Kennel, boarding
Multifamily dwelling II
Place of worship
Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

§ 125-39 Salisbury Cove Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial boatyard

Commercial stable

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Veterinary clinic

Wireless communications facility

§ 125-42 Scientific Research for Eleemosynary Purposes.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Parking deck

Parking lot

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Wireless communications facility

§ 125-43 Town Hill Business.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage
 Automobile sales lot
 Automobile service station
 Bank
 Campground
 Commercial boatyard
 Eleemosynary, educational or scientific institution
 Employee living quarters
 Food processing and freezing (excluding slaughterhouse)
 Food processing and freezing
 Hospital
 Light manufacturing/assembly plant
 Mobile home park
 Multifamily dwelling II
 Municipal school
 Newspaper or printing facility
 Parking garage and parking lot
 Research facility
 Research production facility
 Road construction
Solar Photovoltaic System, Principal Use (SPVS-PU)
 Terminal yard and trucking facility
 Transient accommodations (TA-1)
 Transient accommodations (TA-2)
 Transient accommodations (TA-3)
 Transient accommodations (TA-4)
 Transient accommodations (TA-5)
 Transient accommodations (TA-6)
 Transient accommodations (TA-7)
 Transient accommodations (TA-8)
 Upholstery shop
 Warehousing or storage facility
 Wholesale business establishment
 Wireless communications facility

§ 125-44 Town Hill Residential Corridor.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial
 Campground
 Cemetery
 Multifamily dwelling II
 Municipal school

Municipal facility and grounds

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

§ 125-45 Town Hill Residential.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

§ 125-46 Town Hill Rural.

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Cemetery

Commercial boatyard

Commercial stable

Eleemosynary, educational or scientific institution

Kennel, boarding

Mineral extraction

Mineral extraction and processing

Municipal school

Place of worship

Road construction

Solar Photovoltaic System, Principal Use (SPVS-PU)

Transient accommodations (TA-1)

Wireless communications facility

Article V Site Plan Review

§ 125-67 General review standards.

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

B. Lot standards.

(8) Exceptions to lot coverage.

- (a) In the required front setback, the footprint of driveways and sidewalks required for access to a site from a public or private road shall not constitute lot coverage, except in the Shoreland Districts. In the application of this standard, any footprint area of the portion of driveways larger than the minimum width required under § 125-67. E. (26) shall constitute lot coverage; and any footprint area of a sidewalk that exceeds four feet in width or is wider than that required under § 125-67. G. (3)(a) shall constitute lot coverage.
- (b) In the required setbacks, essential services shall not constitute lot coverage.
- (c) The panels/arrays of the solar photovoltaic system, principal use (SPVS-PU), located over live ground cover with sufficient space between the panels/arrays and above the ground to allow sunlight for vegetation to grow shall be exempt from lot coverage calculations due to sharing of the space. All other SPVS-PU related amenities such as, but not limited to, roads, etc. are not exempt from lot coverage calculations. Live ground cover includes, but is not limited to, native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators.

§ 125-69 Standards for particular uses, structures or activities.

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

Z. Solar photovoltaic system, principal use (SPVS-PU).

The purpose of these regulations is to allow for the construction and operation of solar photovoltaic systems, principal use (SPVS-PU), that produce energy for use on-site and/or off-site by establishing use-specific standards to ensure that the project is sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems accessory to a permitted use or structure.

- (1) Safety.** The SPVS-PU shall be installed in compliance with the NFPA 70 National Electric Code and the NFPA 1 Uniform Fire Code, as adopted by the town.
- (2) Fencing and Screening.** Perimeter fencing, installed around the boundary of the SPVS-PU shall be elevated by a minimum of 5 inches off the ground to allow for passage of small animals. Warning signs shall be posted on the fence. Any portion of the fence visible from a road or abutter's dwelling shall be screened.
- (3) Visual Impacts.** The SPVS-PU shall be sited on a lot in a manner that reduces the visual impacts of the installation to the greatest extent that is practical. The Planning Board may impose design-related conditions where findings of negative impacts on sensitive resources, as listed below, are made.

The applicant shall prepare a visual impact assessment to include a narrative and demonstration detailing the extent to which the proposed SPVS-PU would be visible from any sensitive visual resources; designated scenic resource(s); Acadia National Park; archaeological and historic resources (specifically those listed in the National Register of Historic Places, or eligible for inclusion); and the distance to the proposed SPVS-PU from the designated resources and noted viewpoints.

Information to be submitted shall include:

- (a) A photomontage, field mockup, or other technique(s) to identify the potential visual impacts, at design capacity, of the SPVS-PU on sensitive resources and adjacent properties.**
- (b) Photos showing existing site vegetation, structures, and land uses of the subject lot and abutting properties; views of the proposed SPVS-PU from sensitive visual resources and adjacent properties; and showing the topography of the subject lot and abutting properties.**
- (c) Landscaping, screening, and buffering plan showing location of proposed plantings, screening, and buffering and existing vegetation to be retained.**
- (d) Demonstration that the siting of the SPVS-PU has reduced the visual impact to the extent practical by methods that may include, but are not limited to, the following:**
 - [1] Avoiding impacts to sensitive visual resources, as listed above;**
 - [2] Installing the SPVS-PU in such a way as to use natural topography to obscure the project;**
 - [3] Using material and colors that blend with the background; and**
 - [4] Retaining or planting vegetation to obscure views of the SPVS-PU.**

(4) Financial capacity. Proof of financial capacity to build, maintain, and remove/decommission the SPVS-PU.

(5) Emergency and Operation/Maintenance Plans

The owner of the SPVS-PU shall provide:

- (a) A plan including but not limited to a project summary, electrical schematic, and site plan to the town's Police Chief and Fire Chief. All means of shutting down the SPVS-PU shall be clearly marked.**
- (b) A 24-hour emergency contact name and phone number to respond to public safety inquiries throughout the life of the SPVS-PU.**
- (c) A general maintenance schedule for the SPVS-PU including the replacement/removal of all major components during the lifespan of the facility.**
- (d) A list of cleaning chemicals and solvents, which shall be low in volatile organic compounds, to be used during the operation or maintenance of the SPVS-PU (including biodegradable products).**
- (e) An Integrated Vegetation Management (IVM) Plan that promotes desirable, stable, low-growing plant communities such as, but not limited to, native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators through the use of appropriate, environmentally sound, and cost-effective methods. The goal is to balance safe, reliable, cost-effective vegetation management to attain stable desired plant communities while minimizing risk to human health and the environment. The plan shall address the following:**
 - [1] The type of existing and proposed plant communities.**
 - [2] Describe the use of control mechanisms to manage unwanted vegetation and promote desirable plant communities short- and long-term, such as, but not limited to: biological control (grazing sheep, goats, and other animals); mechanical and manual control (mowing, cutting, grubbing, hand-pulling, and tilling); cultural control (introduction of specific plants or mulches); and chemical control (application of herbicides).**
 - [3] Quinquennial reevaluation of the IVM plan to determine efficacy, and make adjustments necessary to improve the plan. The findings and proposed amendments to the IVM plan shall be submitted to the Code Enforcement Officer who shall review the plan per the above stated goal, request changes if needed, and accept the plan.**

(6) Decommissioning Plan

Within 365 days of the SPVS-PU ceasing operation, including if construction begins but is not completed, the owner shall begin site restoration according to the decommissioning plan approved by the Planning Board. Decommissioning shall be completed within 365 days. The owner shall submit a decommissioning plan to include, but not limited to, the following:

- (a) Provision for the notification to the Code Enforcement Officer by certified mail of the proposed date of the discontinued operations of the SPVS-PU and of the removal schedule.**
- (b) Provision for the removal of aboveground and underground equipment and of structures and foundations to least three feet below grade. Underground equipment, structures and**

- foundations that are at least three feet below grade and do not constitute a hazard or interfere with agricultural or other resource-based land use do not need to be removed.
- (c) Provision for the removal of graveled areas, access roads, fences, gates, etc., unless leaving it in place benefits an agricultural or other resource-based land use.
 - (d) Provision for the restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (e) Provision for the revegetation of restored soil area with, to the maximum extent possible, native pollinator-friendly seed mixtures and plant species suitable to the area.
 - (f) Provisions for the protection of public health and safety, as well as for protection of the environment and natural resources during the site restoration.
 - (g) Provisions for the disposal of all solid and hazardous waste in accordance with state and federal waste disposal regulations.
 - (h) A schedule for completion of site restoration work.
 - (i) An estimated cost to implement the decommissioning plan at the estimated date of decommissioning. The cost is to be determined by an independent registered professional engineer in the State of Maine, to be mutually acceptable by the owner and the Town. The engineer will be paid by the owner but hired by the Town. The cost to implement to the decommissioning plan shall be acceptable to the Town's Finance Director.
 - (j) Provision of financial assurance of performance.

(7) Abandonment.

- (a) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances to the Code Enforcement Officer, a SPVS-PU shall be considered abandoned when it fails to operate for more than 365 days.
- (b) If the owner of the SPVS-PU fails to remove the installation within 365 days of abandonment or the proposed date of decommission, the Town of Bar Harbor retains the right to use all available means to cause an abandoned or hazardous SPVS-PU to be decommissioned.

(8) Financial Assurance of Performance

- (a) At the time of approval, the owner of the SPVS-PU shall submit to the town a bond or other financial surety per Article IX of this Chapter, to be approved by the Town Council for 110% of the estimated decommissioning of the facility based on the average life span of the SPVS-PU.
- (b) The bond or other financial surety shall be in effect until the decommissioning of the SPVS-PU facility is completed. The performance guarantee shall be used by the town to remove/decommission the abandoned SPVS-PU (or the use of which has ceased) and associated abandoned structures only if the owner has not done so within the required 365-day period. Financial assurance provisions must be noted in the Planning Board Decision and must be transferred with the development if it is sold.

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

Array:Multiple solar photovoltaic panels combined together to create a system.

Photovoltaic (PV):A semiconductor-based device that converts light directly into electricity.

Solar Photovoltaic System, Principal Use (SPVS-PU):A solar collection system consisting of one or more ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation.**Solar Photovoltaic System, Accessory Use:**A solar collection system accessory to a permitted use or structure, consisting of one or more roof-mounted and/or ground-mounted solar photovoltaic cells, panels or arrays, and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and/or distribution of solar energy for electricity generation. The ground-mounted solar collection system shall not exceed a total surface area (all panels/arrays) of 20,000 square feet in size.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:**Municipal Officers of the Town of Bar Harbor**_____
Jefferson Dobbs, Chair_____
Matthew A. Hochman, Vice Chair_____
Gary Friedmann_____
Joseph Minutolo_____
Valerie Peacock_____
Erin E. Cough_____
Jill Goldthwait

Draft Order

Of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT – Accessory Dwelling Units – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding accessory dwelling units;” be enacted?

Accessory Dwelling Units

An amendment to delete the definition of accessory dwelling unit and the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

EXPLANATION

The amendment would delete the definition of accessory dwelling unit. As defined, there are no benefits or incentives to being permitted as an accessory dwelling unit instead of a dwelling unit. It would also delete the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

In 2006, the town voted to approve an amendment “Weekly Rentals” entitled “An ordinance to amend the Bar Harbor Code, Chapter 125, Land Use Ordinance §§ 125-54 and 109, and Appendix C, to establish definitions and standards for the regulation of vacation rentals and accessory dwellings.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit.

On June 14, 2011, the town voted to approve an amendment "Vacation Rentals" entitled "An amendment to allow Vacation Rentals in nearly all zoning districts and revise the regulatory permitting process." It resulted in the removal of all references to "Homestead exempt" and "Non-homestead exempt" properties but did not remove the definition of "Dwelling Unit, Accessory," or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

An amendment to Article III and XII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III Land Use Activities and Standards

§ 125-22 Downtown Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-23 Emery District.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation
Kennel
Noncommercial greenhouse
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-24 Hulls Cove Business.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Commercial art gallery or pottery barn
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Public or private park with minimal structural development
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-26 Hulls Cove Residential Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development

Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-27 Hulls Cove Rural.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Commercial stable
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Lumberyard or sawmill
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

§ 125-28 Indian Point Residential.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-29 Indian Point Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-31 Ireson Hill Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-32 Ireson Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-33 McFarland Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-34 McFarland Hill Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-35 Otter Creek.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-37 Salisbury Cove Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Kennel
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-38 Salisbury Cove Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Kennel
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-39 Salisbury Cove Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market

Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-40 Salisbury Cove Village.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-41 Schooner Head.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Public or private park with minimal structural development
Single-family dwelling
Uses or small structures accessory to permitted uses or structures

Uses or structures accessory to permitted uses or structures

Vacation rentals

§ 125-43 Town Hill Business.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

§ 125-44 Town Hill Residential Corridor.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development
Roadside stand
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-45 Town Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-46 Town Hill Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel

Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Private school
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

§ 125-47 Shoreland General Development I.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-48 Shoreland Limited Residential.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Public or private park with minimal structural development
Single-family dwelling
Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-49 Shoreland General Development II (Hulls Cove).

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

~~Accessory dwelling~~

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~DWELLING UNIT, ACCESSORY~~

~~A single self-contained dwelling unit which is part of, attached to, or located on the premises of a principal single family dwelling unit. This dwelling unit consists of one or more rooms with separate kitchen and bathroom facilities that occupies no more than 1/3 of the gross floor area of the principal single family dwelling. The calculation of size of the accessory dwelling is exclusive of any garage, basement, shed or other accessory use structure attached to or part of such single family dwelling.~~

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait

Draft Order

Of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT – Nonconformity – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity;” be enacted?

Nonconformity

An amendment to specify that only in the shoreland districts can two or more principal uses or structures located on a nonconforming lot of record be sold separately.

EXPLANATION

The amendment would specify that two or more principal uses or structures located on a nonconforming lot of record can be sold separately only in the shoreland districts (consistent with the Mandatory Shoreland Zoning Act), not town-wide. It would correct an error of omission where the words “in any shoreland district” were inadvertently left out of the June 8, 2010 draft order “Shoreland Standards.” This error of omission has resulted in a loophole where property owners are able to split conforming lots and non-conforming lots of record resulting in the creation or increase of nonconformity beyond the shoreland districts, which was not intended.

An amendment to Article IV

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article IV Nonconformity

§ 125-56 Nonconforming lots.

- F. If two or more principal uses or structures exist on a single lot of record in any shoreland district, each may be sold on a separate lot provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait

Draft Order

Of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT – Bonus Dwelling Units– Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow Bonus Dwelling Units;” be enacted?

Bonus Dwelling Units

An amendment to create and define a new use “bonus dwelling unit;” to allow the use in the following districts: Village Historic, Downtown Village I, Downtown Village II, Emery District, Hulls Cove Rural, McFarland Hill Residential, McFarland Hill Rural, Schooner Head, Town Hill Rural, and in the Shoreland General Development I, Shoreland General Development II (Hulls Cove), and Shoreland General Development III if on public water and sewer; to exempt the use from having to meet the area per family requirement; to allow a maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling; to prohibit the use of a bonus dwelling unit as a short-term rental or as a vacation rental; and to prohibit the sale of the bonus dwelling unit separately from the single-family dwelling when these uses are located on a nonconforming lot of record.

EXPLANATION

A bonus dwelling unit is a second dwelling unit created on the same lot where only one single-family dwelling unit exist, either within the same building as the single-family dwelling unit or in a detached building. It would be allowed in thirteen districts: Village Historic, Downtown Village I, Downtown Village II, Emery District, Hulls Cove Rural, McFarland Hill Residential, McFarland Hill Rural, Schooner Head, Town Hill Rural, and Shoreland General Development I, Shoreland General Development II (Hulls Cove), and Shoreland General Development III if on public water and sewer. Bonus dwelling units would be required to meet all dimensional requirements of the districts where they are proposed but would be exempt from having to meet the area per family. A maximum of one bonus dwelling unit would be allowed per lot that is occupied by a single-family dwelling. A bonus dwelling unit would not be able to be registered as a short-term rental or a vacation rental. The sale of the bonus dwelling unit separately from the single-family dwelling, when these uses are located on a nonconforming lot of record, would be prohibited.

An amendment to Articles III, V, and XII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article III. Land Use Activities and Standards

§ 125-18 Village Historic.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; bonus dwelling unit; noncommercial greenhouse, and government facility/use.

F. Other requirements.

- (4) Bonus dwelling units are exempt from the area per family requirement.

§ 125-20 Village Residential.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; bonus dwelling unit; multifamily dwelling I; roadside stand; vacation rentals.

G. Other requirements:

- (3) Bonus dwelling units are exempt from the area per family requirement.

§ 125-21 Downtown Village I.

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; bonus dwelling unit; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market;

home occupation.

E. Other requirements.

(3) Bonus dwelling units are exempt from the area per family requirement.

(2) § 125-21.1 **Downtown Village II.**

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; bonus dwelling unit; home occupation; multifamily dwelling I.

E. Other requirements.

(3) Bonus dwelling units are exempt from the area per family requirement.

§ 125-23 **Emery District.**

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Bonus dwelling unit

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-27 Hulls Cove Rural.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Bonus dwelling unit

Commercial garden, greenhouse or nursery

Commercial stable

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Lumberyard or sawmill

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-33 McFarland Hill Residential.

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Bonus dwelling unit

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

H. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-34 McFarland Hill Rural.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Bonus dwelling unit
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-41 Schooner Head.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Bonus dwelling unit
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse

Public or private park with minimal structural development
Single-family dwelling
Uses or small structures accessory to permitted uses or structures
Uses or structures accessory to permitted uses or structures
Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-46 Town Hill Rural.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Bonus dwelling unit

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Private school

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

H. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-47 Shoreland General Development I.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-49 Shoreland General Development II (Hulls Cove).

- E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

(1) Bonus dwelling units are exempt from the area per family requirement.

§ 125-49.1 Shoreland General Development III.

- C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal

facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling; and two-family dwelling; and bonus dwelling unit, if served by both public water and sewer.

G. Other requirements.

- (1) Bonus dwelling units are exempt from the area per family requirement.

Article V Site Plan Review

§ 125-69 Standards for particular uses, structures or activities.

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

AA. Bonus Dwelling Units

The purpose of bonus dwelling units is to assist in increasing the housing supply by allowing and encouraging the most efficient use of existing housing by capitalizing on existing infrastructure such as roads, water, sewer, etc.

- (1) There shall be no more than one bonus dwelling unit per lot that is occupied by a single-family dwelling.
- (2) No bonus dwelling unit shall be used as a short-term rental or as a vacation rental.
- (3) No bonus dwelling unit shall be sold separately from the single-family dwelling when both uses are located on a nonconforming lot of record.

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

BONUS DWELLING UNIT

A second dwelling unit allowed on the same lot where only one single-family dwelling unit exists, either within the same building as the single-family dwelling unit or in a detached building. Bonus dwelling units shall comply with the standards in 125-69 AA.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait